

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of San Diego Gas & Electric Company (U 902 G) and Southern California Gas Company (U 904 G) for Authority to Integrate Their Gas Transmission Rates, Establish Firm Access Rights, and Provide Off-System Gas Transportation Services.

Application 04-12-004  
(Filed December 2, 2004)

**ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE'S  
SCOPING MEMO AND RULING**

**Summary**

This scoping memo and ruling addresses the scope of issues to be addressed in this proceeding and the procedural schedule for processing this application.

The issues in this proceeding will be bifurcated into two phases. The first phase will address the system integration issues. The second phase will address the firm access rights and off-system delivery issues. The bifurcation of this proceeding into two phases should lead to a more efficient use of the parties' time and resources, while resolving all the issues in this proceeding in an expeditious manner.

The evidentiary hearings for the system integration issues will be held on September 12-16, 2005. A prehearing conference will be held on September 1, 2005 to discuss the scheduling of witnesses and other hearing-related issues for

this phase. The schedule for the Phase II issues will be developed at a prehearing conference to be scheduled after the mailing of the Phase I proposed decision.

## **Background**

San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas) filed the above-captioned application on December 2, 2004. The application makes three proposals. The first proposal is to integrate the gas transmission systems of SDG&E and SoCalGas, including the gas transmission rates. The second proposal is to establish a system of firm access rights utilizing transmission zones on the SDG&E and SoCalGas gas transmission system. The third proposal is to provide off-system deliveries to Pacific Gas and Electric Company (PG&E) and to interconnections with interstate gas transmission lines serving California.

Thirteen protests and three responses to the application of SDG&E and SoCalGas were filed. SDG&E and SoCalGas filed a reply to the protests and responses on January 31, 2005.

In the March 24, 2005 ruling, a prehearing conference was noticed to discuss the preliminary list of issues contained in the ruling and to discuss the procedural schedule.<sup>1</sup> Prehearing conference statements were filed, and the prehearing conference was held on April 28, 2005.

## **Scope of Issues**

Interested parties were provided an opportunity to comment in their prehearing conference statements and at the prehearing conference on whether

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<sup>1</sup> The preliminary list of issues was developed from the information contained in the application, the protests and responses to the application, and from the reply to the protests and responses.

the March 24, 2005 preliminary list of issues should be included in the scoping memo, and to identify other issues that should be included in the scoping memo. Based on the preliminary list and the parties' comments, the following scope of issues will be addressed in this proceeding:

### **System Integration Issues**

- Should the gas transmission systems of SDG&E and SoCalGas be integrated on an economic basis, including the transmission component of the gas transportation rates of SDG&E and SoCalGas?
- Does the system integration proposal, including the proposed integration of the gas transmission rates of SDG&E and SoCalGas, conflict in any way with D.01-09-056 and D.98-03-073 regarding the treatment of SDG&E and SoCalGas as separate regulated utilities? (See 79 CPUC2d at pp. 354-355, 429, FOF 146; D.01-09-056, p. 6.)
- Are there any potential capacity constraints along the Rainbow Corridor (Lines 6900, 1027 and 1028), and what impact will this have on the system integration proposal? (See Resolution G-3377.)
- Should the Rainbow Corridor be treated as a local transmission line, backbone transmission line, or as a receipt point, and what impact will this have on the system integration proposal and the ability to move regasified liquefied natural gas (LNG) from Otay Mesa? (See Resolution G-3377.)

### **Firm Access Rights Issues**

- Should the firm access rights proposal of SDG&E and SoCalGas be adopted, or should the existing "windowing" system of gas nominations and transmission be retained, or should alternative transmission access proposals be considered?
- How does the firm access rights proposal differ from a path-specific system, and what are the advantages and disadvantages of each system as it relates to the SDG&E and SoCalGas systems?
- Under the firm access rights proposal, what transmission zones will gas suppliers (east or north of California, from California or LNG suppliers) need to secure rights to in order to transport their gas to customers of SoCalGas and SDG&E? (Testimony should describe and/or provide

transmission zone scenarios, receipt point capacities, flow diagrams, and potential capacity constraints.)

- Do the proposed transmission zones provide an advantage to LNG supplies that might enter through Otay Mesa using the proposed Southern Transmission Zone?
- Do the proposed transmission zones discriminate against California natural gas producers?
- Should SDG&E and SoCalGas bear some or all of the risk for gas transmission revenues?
- Should backbone transmission costs be unbundled from local transmission and distribution costs, as was done in the Comprehensive Settlement Agreement?
- Should SDG&E and SoCalGas be authorized to use an expedited application process to seek Commission approval of a project requesting new or expanded receipt point access?
- Are there any potential capacity constraints along the Rainbow Corridor (Lines 6900, 1027 and 1028), and what impact will this have on the firm access rights proposal? (See Resolution G-3377.)
- Should the Rainbow Corridor be treated as a local transmission line, backbone transmission line, or as a receipt point, and what impact will this have on the firm access rights proposal and the ability to move regasified LNG from Otay Mesa? (See Resolution G-3377.)
- Should the peaking rate be eliminated?
- If the Commission adopts a system of firm access rights in this proceeding, will D.01-12-018 and D.04-04-015 be rendered moot?
- If the Commission adopts a system of firm access rights in this proceeding, when should SDG&E and SoCalGas be required to file their respective BCAPs? (See D.04-05-039.)

### **Off-System Delivery Issues**

- Should the Commission adopt the proposal to establish off-system transportation services to PG&E?<sup>2</sup>
- Where should the off-system connection from SoCalGas to PG&E be located?
- Should SDG&E and SoCalGas be authorized to use an expedited application process to seek approval of a project for new, facility-based off-system services, and to determine whether the costs should be rolled-in or on an incremental pricing basis?

As discussed below, this proceeding will be addressed in two phases. The first phase will address the system integration issues, as described above. The second phase will address the firm access rights issues and off-system issues, as described above.

The following issues will not be considered in this proceeding:

- Gas balancing, diversion, and curtailment procedures.<sup>3</sup>
- Gas storage and hub transactions.<sup>4</sup>
- Off-system delivery to pipelines other than PG&E.

Due to the narrowing of issues that will be considered in this proceeding, it may be appropriate before hearings begin for SoCalGas and SDG&E to withdraw, strike, or revise certain portions of their previously submitted prepared testimony.

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<sup>2</sup> Based on Conclusion of Law 17 and the reference at page 74 in D.04-09-022 that “SoCalGas’ proposal for off-system deliveries should be limited to PG&E,” the scope of this proceeding will only address the off-system proposal as it applies to PG&E.

<sup>3</sup> These issues may be more appropriate in the BCAP or in a separate application.

<sup>4</sup> Although proposals to change the current gas storage operations of SoCalGas will not be considered in this proceeding, parties may raise the differences in the risk-reward structure between gas storage and gas transmission.

As mentioned at the prehearing conference, the system capacity of SoCalGas and SDG&E is being examined in Phase II of R.04-01-025 as part of the infrastructure adequacy issues. (See May 11, 2005 Assigned Commissioners' Ruling and April 21, 2005 Assigned Commissioners' Ruling in R.04-01-025.) System capacity, or infrastructure adequacy, is an issue that is related to the firm access rights proposal in this proceeding. Evidentiary hearings on the infrastructure adequacy issues in R.04-01-025 are scheduled for August 22-26, 2005. Parties in this proceeding who are interested in the system capacity of SoCalGas should monitor or participate in the Phase II infrastructure adequacy hearings in R.04-01-025. Due to this overlap regarding system capacity, the record being developed in R.04-01-025 on infrastructure adequacy may be relevant and useful for examining the firm access rights issues in Phase II of this proceeding.

### **Public Participation Hearings**

One of the preliminary issues that we sought comment on was whether public participation hearings should be held in this proceeding. SoCalGas and SDG&E stated that since the application involves complicated issues that require a detailed understanding of the natural gas market structure, that public participation hearings should not be held. None of the other parties expressed a preference for whether such hearings should be held or not.

We have considered the possible rate impacts that the application would have on customers, the issues that have been raised in the application, the letters from the public regarding the application, and consulted with the Public Advisor's office. Weighing all of these different considerations, we have decided that public participation hearings are not needed in this application.

### **Bifurcation and Schedule**

The comments of the parties on whether the issues in this proceeding should be bifurcated have been considered. In addition, the references in D.04-09-022 that the system integration proposal and the firm access rights proposal should be done expeditiously and not be decided in isolation, has also been taken into account. This proceeding will be divided into two phases. The first phase will address the system integration issues. The second phase will address the firm access rights issues and the off-system issues as described earlier.

From an administrative point of view, this will allow parties to focus their resources on whether the two systems should be integrated on an economic basis, without having to prepare testimony involving scenarios where the system integration proposal is adopted or is not adopted. Although this phasing of the issues may result in a slight delay in ultimately resolving the entire application, the phasing of this proceeding should result in more efficient use of everyone's time and resources. It will also allow the Commission to expeditiously consider the firm access rights proposal in the context of whether the gas transmission systems of SDG&E and SoCalGas will be integrated on an economic basis or not.

Evidentiary hearings on all the issues identified above are likely. The evidentiary hearings for Phase I will begin on September 12, 2005 at 10:00 a.m. at the State Office Building, 505 Van Ness Avenue, San Francisco, and continue through September 16, 2005. A prehearing conference will be held on September 1, 2005 in San Francisco at 10:00 a.m. to discuss the scheduling of witnesses, and any other hearing-related matters for the September hearings.

The schedule for the Phase II issues in this proceeding will be determined at a prehearing conference which will be scheduled shortly after the mailing of

the Phase I proposed decision. It is anticipated that the Phase II issues will be heard and resolved around the second and third quarters of 2006.

Any party requesting final oral argument before the Commission shall make such a request on or before the first day of evidentiary hearings for Phase I and Phase II.

The application was filed on December 2, 2004. Pub. Util. Code § 1701.5 provides that in a ratesetting proceeding, the issues raised in the scoping memo are to be resolved within 18 months of the date the scoping memo is issued. It is expected that this proceeding will be completed within the 18-month period as shown in the schedule below.

The following schedule shall be followed to resolve the issues in this proceeding.

<b>Event</b>	<b>Date</b>
Supplemental testimony on Phase I issues by SoCalGas and SDG&E to be served	June 27, 2005
Testimony on Phase I issues by all other parties to be served	July 29, 2005
Rebuttal testimony on Phase I issues by all parties to be served	August 26, 2005
Prehearing Conference to discuss scheduling of witnesses and other hearing related issues	September 1, 2005 at 10:00 a.m. in San Francisco
Evidentiary hearings on Phase I issues	September 12-16, 2005 in San Francisco. Start time at 10:00 a.m. on September 12, 2005
Opening briefs due	October 11, 2005 (tentative)
Reply briefs due and submission of Phase I issues	October 31, 2005 (tentative)
Proposed decision in Phase I	January 27, 2006 (tentative)
Prehearing conference for Phase II	February 16, 2006 (tentative)
Comments on proposed decision	20 days from mailing of proposed



	decision
Reply comments on proposed decision	25 days from mailing of proposed decision
Commission decision in Phase I	March 9, 2006 (tentative)
Supplemental testimony on Phase II issues by SoCalGas and SDG&E to be served	To be decided
Testimony on Phase II issues by all other parties to be served	To be decided
Rebuttal testimony on Phase II issues by all parties to be served	To be decided
Evidentiary hearings on Phase II issues	May-June 2006 (tentative)
Proposed decision in Phase II	September 2006 (tentative)
Comments on Phase II proposed decision	20 days from mailing of proposed decision
Reply comments on Phase II proposed decision	25 days from mailing of proposed decision
Commission decision in Phase II	To be decided

### **Discovery**

If discovery disputes arise between the parties, which cannot be resolved by meeting and conferring, the parties should raise these disputes in accordance with Resolution ALJ-164. ALJ Wong will handle the discovery disputes for this proceeding.

### **Service List**

Attachment A of this ruling is the new service list that shall be used in this proceeding. This service list may be updated from time to time. The latest version of the service list can be downloaded from the Commission's web site at [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

As mentioned at the prehearing conference, and in the March 24, 2005 ruling, the new electronic service rules shall apply to this proceeding.<sup>5</sup> Anyone serving documents in this proceeding shall follow Rules 2.3 and 2.3.1.<sup>6</sup> Any documents served on the assigned ALJ and the assigned Commissioner's office shall be by both e-mail and by delivery or mailing of a copy of the document.

### **Categorization of Proceeding**

This application was preliminarily categorized as ratesetting in Resolution ALJ 176-3144 on December 16, 2004. Today's ruling confirms that categorization. Anyone who disagrees with this categorization must file an appeal of the categorization no later than ten days after the date of this ruling. (See Rule 6.4.)

Since this ruling determines that this is a ratesetting proceeding and evidentiary hearings will be held, *ex parte* communications are governed by Rules 7 and 7.1.

The principal hearing officer for this proceeding shall be ALJ John S. Wong.

Therefore, **IT IS RULED** that:

1. The scope of issues for the two phases of this proceeding, and the schedule for resolving these issues, is set forth in the body of this scoping memo and ruling.

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<sup>5</sup> Those on the service list who do not have an e-mail address shall be served by mail or another method of delivery.

<sup>6</sup> See the April 28, 2005 Reporter's Transcript of the prehearing conference for the ALJ's discussion of the electronic service rules.

- a. A prehearing conference, in advance of the Phase I evidentiary hearings, shall be held on September 1, 2005 at 10:00 a.m. at the State Office Building, 505 Van Ness Avenue, San Francisco.
  - b. Evidentiary hearings for Phase I shall be held on September 12, 2005 at 10:00 a.m. at the State Office Building, 505 Van Ness Avenue, San Francisco, and shall continue through September 16, 2005.
2. This proceeding is categorized as ratesetting.
3. Discovery disputes shall use the procedures set forth in Resolution ALJ-164.
4. Attachment A of this scoping memo and ruling shall serve as the service list for this proceeding, which may be updated from time to time.
  - a. The latest version of the service list can be accessed through the Commission's web site.
  - b. This ruling shall be served on the names listed in Attachment A of this ruling.

Dated May 24, 2005, at San Francisco, California.

/s/ GEOFFREY F. BROWN  
Geoffrey F. Brown  
Assigned Commissioner

/s/ JOHN S. WONG  
John S. Wong  
Administrative Law Judge

**ATTACHMENT A**  
**SERVICE LIST IN A.04-12-004**

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**(END OF ATTACHMENT A)**

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner and Administrative Law Judge's Scoping Memo and Ruling on all parties of record in this proceeding or their attorneys of record.

Dated May 24, 2005, at San Francisco, California.

/s/ TERESITA C. GALLARDO  
Teresita C. Gallardo

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.